

REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 1-29 were pending prior to the Office Action. Claims 2, 3, and 26 have been cancelled and claims 30-45 have been added through this Reply. Therefore, claims 1, 4-25, and 27-45 are currently pending. Claims 1, 15, 17, 18, 20, 21, and 29 are independent. Claims 1, 4-6, 18, 20, 21, and 27-29 have been amended through this Reply. Applicant respectfully requests reconsideration of the rejected claims in light of the amendment and remarks presented herein, and earnestly seeks timely allowance of all pending claims.

ALLOWABLE SUBJECT MATTER

Applicant appreciates that claims 15-17 are allowed. Applicant further appreciates that claims 26-28 are indicated to define allowable subject matter.

SPECIFICATION

The Specification and the Abstract have been amended merely to address informal issues and to enhance clarity.

CLAIM OBJECTION

Claim 28 is objected to because of a minor informality. Claim 28 has been amended through this Reply to address this issue. Note that the amendment to claim 28 has been made merely to enhance clarity. It is intended that the scope of the claim remains substantially the same. Applicants respectfully submit that the amendment made to this claim is not narrowing, and is not made for any reason relating to patentability. Accordingly, it is submitted that the amendment does not give rise to estoppel and, in future analysis, claim 28 is entitled to its full range of equivalents. Accordingly, it is respectfully requested that this objection be withdrawn.

35 U.S.C. § 112, 2ND PARAGRAPH REJECTION

Claims 1-14 and 18-20 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Initially, Applicant disagrees with the Examiner's assertion that the term "additional information element" renders the claims indefinite. Applicant respectfully submits that the Examiner's focus during examination for compliance with the requirement of definiteness in § 112, 2nd paragraph is whether the claim meets the threshold requirements of clarity and precision. To do this, the Examiner needs only ensure that the claims define the invention with a reasonable degree of particularity and distinctness. See MPEP § 2173.02.

Applicant submits that the claim defines the invention with a reasonable degree of particularity and distinctness in that the "additional information element" refers to more information element than what is coded by the first information code.

At least for the above reasons, it is respectfully submitted that the term "additional information element" is not indefinite. Although Applicant does not necessarily agree with the Examiner's assertion of indefiniteness, Applicant has amended independent claim 1 to recite, *inter alia*, "wherein at least one additional information element is coded by the second information code by at least one mark belonging to the first information code being intentionally omitted such that at least one of said plurality of second reference positions does not have an associated mark" in order to expedite prosecution. Independent claims 18 and 20 have also been amended in a similar manner.

Accordingly, Applicant respectfully requests that the § 112, 2nd paragraph rejection of claims 1-14 and 18-20 be withdrawn.

35 U.S.C. § 102 REJECTION – Lawandy

Claims 21-25 and 29 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lawandy (US 2003/0141375). Applicants respectfully traverse this rejection. Independent claims 21 and 29 have been amended to recite the subject-matter of claim 26. Thus, it is respectfully submitted that claims 21 and 29 are allowable over Lawandy. Claims 22-25 are at least allowable by virtue of their dependency on allowable claim 21.

Accordingly, Applicant respectfully requests that the rejection of claims 21-25 and 29, based on Lawandy, be withdrawn.

NEW CLAIM

New claims 30-45 are at least allowable by virtue of their dependency on allowable corresponding independent claim.

CONCLUSION

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

By  # 58,755
Michael K. Mutter
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant